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EXAMINER

GAY, SONIA L

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2614

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/840,176	Applicant(s) BIRCH ET AL.	
	Examiner SONIA GAY	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22- 28 is/are allowed.
- 6) ☒ Claim(s) 1- 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is written in response to application no. 10\840176 submitted on May 6, 2004 in which claims 1-28 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2007/0032222 continuation of application No. 10/152,966 filed on May 22, 2002 now Pat. No. 7,127,400), in view of Guigui (US 2004/0186901), and further in view of Burger et al. (US 7,149,287), and further in view of Bondarenko et al. (US 2004/0083479)
2. For claim 1, Koch discloses a system for providing a voice dialogue in a telephone network, said system comprising:
 - a switching point connected to a communication device ([0030]);
 - a service control point connected to said switching point ([0033]);
 - a voice markup language browser (*VXML gateway with VXML browser* : [0023]) connected to said switching point (*VXML gateway as intelligent peripheral that includes voice and DTMF signal recognition devices and voice synthesis devices* : **Fig. 1** 142, **Fig. 3** 312 and [0036][0037][0045]);

Yet , Koch fails to teach the following:

a converter connected to said service control point and said voice markup language browser; and

a call control application server connected to said voice markup language browser, wherein said converter communicates with said service control point using a call control protocol, and wherein said converter is adapted to convert said call control protocol to a call control extensible markup language and a voice extensible markup language.

However, Guigui discloses a converter (*XML* converter: [0039]) connected to a service control point for the purpose of communicating with the service control point using a call control protocol (*TCAP, MAP* : [0038]) and converting said call control protocol to an extensible markup language ([0039][0040]).

Moreover, Burger et al. discloses the following: a call control application server(*voice application server that may exchange ISUP and/or TCAP with the PSTN* : column 4 lines 15 - 19) connected to a voice markup language browser (*media server as voice rendering platform* : column 4 lines 39 – 48; column 5 lines 48 - 55, column 6 lines 6 - 12) for the purpose of separating call control from voice rendering functionality within Voice XML scripts (column 2 lines 1- 25).

Additionally, Bondarenko et al. discloses that call control extensible markup language (CCXML) and voice extensible markup language (VXML) are extensible mark-up languages used for the purpose of creating and deploying a voice application like an IVR ([0011]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Koch with the inventions disclosed in Guigui, Burger et al. and Bondarenko et al. as follows: connect a converter to the service control point as disclosed above in Koch for the purpose of converting a call control protocol to an extensible markup language which includes voice extensible markup language and call control extensible markup language; and, connect a call control application server to the voice markup language browser as disclosed above in Koch for the purpose of performing call control actions

For claim 2, Koch in view of Guigui, Burger et al. , and Bondarenko et al. discloses the claimed invention above and further discloses wherein said converter comprises a Hypertext Transfer Protocol (HTTP) server junction. (Koch : [0094]; Guigui : [0015])

For claim 3, Koch in view of Guigui, Burger et al. , and Bondarenko et al. discloses the claimed invention above and further discloses wherein said converter comprises an Advanced Intelligent Network Session Controller. (Guigui : *SCP proxy* [0039])

For claim 4, Koch in view of Guigui, Burger et al. , and Bondarenko et al. discloses the claimed invention above and further discloses wherein said converter comprises a Call Control

Protocol to Call Control Extensible Markup Language (CCXML) converter and a Call Control Protocol to Voice Extensible Markup Language (XML) converter. (Guigui : [0039][0040] ; Bondarenko et al. : [0011])

For claim 5, Koch in view of Guigui, Burger et al. , and Bondarenko et al. discloses the claimed invention above and further discloses wherein said service control point is connected to said switching point over an advanced intelligent network. (Koch : Abstract)

For claim 6, Koch in view of Guigui, Burger et al., and Bondarenko et al. discloses the claimed invention above and further discloses wherein said voice markup language browser comprises an intelligent peripheral. (Koch: *VXML gateway as intelligent peripheral that includes voice and DTMF signal recognition devices and voice synthesis devices* : **Fig. 1** 142, **Fig. 3** 312 and [0036][0037][0045])

For claim 7, Koch in view of Guigui, Burger et al., and Bondarenko et al. discloses the claimed invention above and further discloses wherein said call control protocol is not publicly available and said voice extensible markup language is publicly available. (Guigui : [0039][0040])

3. Claims 8 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch (US 2007/0032222 continuation of application No. 10/152,966 filed on May 22, 2002 now Pat. No. 7,127,400), in view of Guigui (US 2004/0186901) ,and further in view of Burger et al. (US

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7,149,287), and further in view of Bondarenko et al. (US 2004/0083479), and further in view of Crockett et al. (US 2004/0141596).

4. For claim 8, Koch discloses a system for providing a voice dialogue in a telephone network, said system comprising:

a switching point connected to a communication device ([0030]);

a service control point connected to said switching point ([0033]);

a voice processor (*VXML gateway with Text-To-Speech Engine and an Automatic Speech Recognition engine* : [0023]) connected to said service control point and to said switching point (*VXML gateway as intelligent peripheral that includes voice and DTMF signal recognition devices and voice synthesis devices* : **Fig. 1** 142, **Fig. 3** 312 and [0036][0037][0045]),

wherein said voice processor (*VXML gateway with VXML browser* : [0023]) comprises a voice markup language browser connected to said switching point (*VXML gateway as intelligent peripheral that includes voice and DTMF signal recognition devices and voice synthesis devices* : **Fig. 1** 142, **Fig. 3** 312 and [0036][0037][0045]);

Yet , Koch fails to teach the following:

a call control application server connected to said voice processor;

wherein said voice processor communicates with said service control point using a call control protocol,

wherein said voice processor comprises:

a voice markup language browser connected to said call control application server; and,

a converter connected to said service control point and said voice markup language browser,

wherein said converter is adapted to convert said call control protocol to a call control extensible markup language and a voice extensible markup language.

However, Guigui discloses a converter (*XML* converter: [0039]) connected to a service control point for the purpose of communicating with the service control point using a call control protocol (*TCAP*, *MAP* : [0038]) and converting said call control protocol to an extensible markup language ([0039][0040]).

Moreover, Burger et al. discloses a call control application server (*voice application server that may exchange ISUP and/or TCAP with the PSTN* : column 4 lines 15 - 19) connected to a voice processor with a voice markup language browser(*media server as voice rendering platform* : column 4 lines 39 – 48; column 5 lines 48 - 55, column 6 lines 6 - 12) for the purpose of separating call control from voice rendering functionality within Voice XML scripts (column 2 lines 1- 25).

Additionally, Bondarenko et al. discloses that call control extensible markup language (CCXML) and voice extensible markup language (VXML) are extensible mark-up languages used for the purpose of creating and deploying a voice application like an IVR ([0011]).

Moreover, Crockett et al. discloses a voice processor (*VXML platform* : [0091]) which communicates with a service control point using a call control protocol (*TCAP* : [0094]) for the purpose of requesting and retrieving data relating to the AIN service ([0094]) and converting/translating the data into VXML applications ([0099]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Koch with the inventions disclosed in Guigui, Burger et al., Bondarenko , and Crockett et al. as follows: connect a converter to the service control point as a component of the voice processor and an interface to the voice markup language browser as disclosed above in Koch for the purpose of converting the call control protocol that a voice processor uses to communicate with a service control point to an extensible markup language which includes voice extensible markup language and call control extensible markup language; and, connect a call control application server to the voice processor which comprises a markup language browser as disclosed above in Koch for the purpose of performing call control actions

For claim 9, Koch in view of Guigui, Burger et al. , Bondarenko et al. , and Crockett et al. discloses the claimed invention above and further discloses wherein said converter comprises a Hypertext Transfer Protocol (HTTP) server junction. (Koch : [0094]; Guigui : [0015])

For claim 10, Koch in view of Guigui, Burger et al. , Bondarenko et al. , and Crockett et al. discloses the claimed invention above and further discloses wherein said converter comprises an Advanced Intelligent Network Session Controller. (Guigui : *SCP proxy* [0039])

For claim 11, Koch in view of Guigui, Burger et al. , Bondarenko et al. , and Crockett et al. discloses the claimed invention above and further discloses wherein said converter comprises a Call Control Protocol to Call Control Extensible Markup Language (CCXML) converter and a Call Control Protocol to Voice Extensible Markup Language (XML) converter. (Guigui : [0039][0040] ; Bondarenko et al. : [0011])

For claim 12, Koch in view of Guigui, Burger et al. , Bondarenko et al. , and Crockett et al. discloses the claimed invention above and further discloses wherein said service control point is connected to said switching point over an advanced intelligent network. (Koch : Abstract)

For claim 13, Koch in view of Guigui, Burger et al. , Bondarenko et al. , and Crockett et al. discloses the claimed invention above and further discloses wherein said voice markup language browser comprises an intelligent peripheral. (Koch: *VXML gateway as intelligent peripheral that includes voice and DTMF signal recognition devices and voice synthesis devices* : **Fig. 1** 142, **Fig. 3** 312 and [0036][0037][0045])

For claim 14, Koch in view of Guigui, Burger et al. , Bondarenko et al. , and Crockett et al. discloses the claimed invention above and further discloses wherein said call control protocol

is not publicly available and said voice extensible markup language is publicly available. (Guigui : [0039][0040])

5. Claims 15 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crockett et al. (US 2004/0141596), in view of Guigui (US 2004/0186901) , and further in view of Bondarenko et al. (US 2004/0083479)

6. For claim 15, Crockett et al. discloses a method system for providing a voice dialogue in a telephone network, said method comprising:

initiating a telephone call; ([0110])

routing said telephone call to a voice processor based upon a call control protocol; ([0094][0111])

Yet, Crockett et al. fails to teach converting said call control protocol to one of a call extensible markup language and a voice extensible markup language .

However, Guigui discloses a converter (*XML* converter: [0039]) connected a service control point for the purpose of communicating with the service control point using a call control protocol (*TCAP*, *MAP* : [0038]) and converting said call control protocol to an extensible markup language ([0039][0040]).

Additionally, Bondarenko et al. discloses that call control extensible markup language (CCXML) and voice extensible markup language (VXML) are extensible mark-up languages used for the purpose of creating and deploying a voice application like an IVR ([0011]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Crockett et al. with the inventions disclosed in Guigui and Bondarenko et al. to include a converter with the voice processor as disclosed above in Crockett et al. to convert the call control protocol to one of CCXML or VXML for the purpose of creating and deploying voice applications as a service in an AIN network.

For claim 16, Crockett et al. in view of Guigui and Bondarenko et al. discloses the claimed invention above and further discloses wherein said converting process comprises using a Hypertext Transfer Protocol (HTTP) server junction. (Koch : [0094]; Guigui : [0015])

For claim 17, Crockett et al. in view of Guigui and Bondarenko et al. discloses the claimed invention above and further discloses wherein said converting process comprises using an Advanced Intelligent Network Session Controller. (Guigui : *scp proxy* [0039])

For claim 18, Crockett et al. in view of Guigui and Bondarenko et al. discloses the claimed invention above and further discloses wherein said converting process comprises using a Call Control Protocol to Call Control Extensible Markup Language (CCXML) converter and a Call Control Protocol to Voice Extensible Markup Language (XML) converter. (Guigui : [0039][0040] ; Bondarenko et al. : [0011])

For claim 19, Crockett et al. in view of Guigui and Bondarenko discloses the claimed invention above and further discloses wherein said voice processor provides voice communications between a telephone user and a machine. (Crockett et al. : [0091])

For claim 20, Crockett et al. in view of Guigui and Bondarenko discloses the claimed invention above and further discloses wherein said routing process routes said telephone call to a voice extensible markup language browser and said converting process is performed by a converter connected to said browser. (Crockett et al.: [0111][0112] ; Guigui [0039][0040])

For claim 21, Crockett et al. in view of Guigui and Bondarenko discloses the claimed invention above and further discloses wherein said call control protocol is not publicly available and said voice extensible markup language is publicly available. (Guigui : [0039][0040])

Allowable Subject Matter

7. Claims 22 – 28 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter:

For claim 22, a first relevant prior art to applicant's invention, Koch (US 2007/0032222 continuation of application No. 10/152,966 filed on May 22, 2002 now Pat. No. 7, 127,400), discloses a method of providing a voice dialogue in a telephone network, said method comprising:

directing a telephone call to a switch; ([0110])

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requesting, by said switch, routing instructions from a control point ([0110])
routing said telephone call to a Voice Extensible Markup Language (CCXML/Voice XML) browser according to said routing instructions; ([0111])
executing said voice instructions from said converter to said Voice XML Browser ([0114])

A second relevant prior art to applicant's invention, Bondarenko et al. (US 2004/0083479), discloses that call control extensible markup language (CCXML) and voice extensible markup language (VXML) are extensible mark-up languages used for the purpose of creating and deploying a voice application like an IVR ([0011]).

Thus, the browser or IVR as disclosed both in Koch and Bondarenko et al. can comprise VXML and CCXML and a telephone call can be routed to a Call Control Extensible Markup Language/ Voice Extensible Markup Language browser as claimed by applicant in claim 22.

However neither of the aforementioned prior arts read on the following limitations in claim 22:

forwarding a request for voice instructions from said XML browser to a call control protocol to CCXML/Voice XML converter;

converting said request for voice instructions to said call control protocol using said converter;

forwarding said request for voice instructions from said converter to said control point;

returning voice instructions from said control point to said converter;

converting said voice instructions from said call control protocol to said CCXML/Voice XML;

returning voice instructions from said converter to said CCXML/Voice XML browser; executing said voice instructions using said CCXML/Voice XML browser; and

running an application on a CCXML application server connected to said CCXML/Voice XML browser.

The most relevant prior art to the above listed limitations, BI et al. (US 2007/0217584) discloses a converter (*intelligent peripheral* :[0167]) connected to a service control point and an IVR that internally converts data messages from a Web Server to a call control protocol, SR – 3511.([0174][0175][0176])

This art does not read on applicant's limitations since the converter as disclosed in BI et al. does not convert XML based voice instructions from a CCXML/ VXML browser into call control protocol and call control protocol into an XML based voice instructions for a CCXML/VXML browser.

Therefore, claim 22 is allowed.

For claims 23 – 28, refer to the discussion for claim 22 as support for allowance since claims 23 – 28 are dependent claims of 22.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/
Examiner, Art Unit 2614

/Harry S. Hong/
Primary Examiner, Art Unit 2614

May 10, 2008